

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7575 of 1997****For Approval and Signature:****HONOURABLE MR.JUSTICE SHARAD D.DAVE**

- =====
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 4
 - 5 Whether it is to be circulated to the civil judge ?

=====

CHHAGANBHAI RAMJIBHAI - Petitioner(s)
Versus
DIST DEVELOPMENT OFFICER & 1 - Respondent(s)

=====

Appearance :

MR PH PATHAK for Petitioner(s) : 1,
MR HS MUNSHAW for Respondent(s) : 1 - 2.

=====

CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE**Date : 27/01/2006****CAV JUDGMENT**

1. By filing this petition, the petitioner has prayed to declare the impugned action on the part of the respondents to pay different rates of wages to the

similarly situated employees and denying the petitioner of the minimum of the time scale of the post of sweeper as arbitrary, illegal, unconstitutional and violative of Articles 14 and 16 of the Constitution and further to direct the respondents to extend the benefits of equality of pay to the petitioner from his initial date of appointment. Further prayer is made to direct the respondents to consider the case of the petitioner for permanent absorption in light of length of his service and permanent requirement of the respondents in view of the expansion of the area and increase in the population.

2. It is submitted by Mr.Pathak, learned advocate appearing for the petitioner that the petitioner is working as Sweeper under respondent No.2 since 1.9.1993 and there is permanent requirement of Sweeper due to expansion of the area of the Panchayat and increase in population. It is further submitted by Mr.Pathak that this Court passed the interim orders in Special Civil Application Nos.2921 of 1990 and 1893 of 1994 and directed the respondents to grant minimum of the time scale of pay payable to the respective cadre of employees.

3. It can be noticed from the record that the petitioner is working as Sweeper on daily wage basis and it is the contention of the petitioner that the petitioner is being paid less than the minimum wages prescribed by the Government. In the facts of the present, the prayer made in para 10-A of the petition cannot be granted because the petitioner is claiming equality of pay from his initial date of appointment as Sweeper. It is pertinent to note that the petitioner is working as Sweeper on daily wage basis and, this view of the matter, the petitioner cannot be granted regular pay scale which is being given to the employees who are regularly appointed in service. It is the contention of the petitioner that the petitioner is working since 1.9.1993 under respondent No.2 and if that is so, the petitioner is directed to make necessary representation before the concerned authority within a period of two weeks from today and on receipt of the representation which is to be made by the petitioner, the concerned authority is directed to decide the same in accordance with law within a period of two weeks thereafter and shall communicate the outcome to the petitioner forthwith. The respondents are also directed to pay the petitioner the wages as prescribed under the Minimum

Wages Act.

4. Subject to what is stated above, this petition is dismissed. Rule is discharged. Interim relief, if any, granted earlier stands vacated forthwith. No costs.

(Sharad D.Dave, J)

srilatha